NPT/CONF.2010/PC.III/WP.30

Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

6 May 2009

Original: English

Third session
New York, 4-15 May 2009

Substantive recommendations to the third session of the Preparatory Committee and the 2010 Review Conference

Working paper submitted by the Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons

I. Introduction

1. The third session of the Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons is meeting to consider specific matters of substance related to the implementation of the Treaty as well as the commitments and undertakings agreed by consensus at the 1995 Review and Extension Conference and the 2000 Review Conference.

2. In accordance with decisions of the 2000 Review Conference, the third session of the Preparatory Committee is mandated to make every effort to produce a consensus report containing recommendations and to finalize procedural arrangements for the 2010 Review Conference.

3. Building on the working papers presented by the Group of Non-Aligned States parties to the Non-Proliferation Treaty at the first and second sessions of the Preparatory Committee, the present working paper represents the Group's inputs to be considered by the Preparatory Committee as recommendations to the 2010 Review Conference.

II. Procedural and other arrangements pertaining to the Preparatory Committee and 2010 Review Conference of the parties to the Non-Proliferation Treaty

4. The third session of the Preparatory Committee is mandated to consider matters of substance pertaining to Treaty implementation and decisions 1 and 2 and

09-32880 (E)

Please recycle

the resolution on the Middle East adopted in 1995[1] and the outcomes of subsequent review conferences, including developments affecting the purpose and operation of the Treaty (see the Final Document of the 2000 Review Conference[2]) and to produce a consensus report containing substantive recommendations to the 2010 Review Conference, taking into account the deliberations and results of the previous sessions.

III. Recommendations pertaining to the principles and objectives of the Non-Proliferation Treaty

Basic principles and objectives

Recommendation 1

To emphasize that the Non-Proliferation Treaty is the key international instrument aimed at halting the vertical and horizontal proliferation of nuclear weapons, achieving nuclear disarmament and promoting international cooperation in the peaceful uses of nuclear energy.

Recommendation 2

To reaffirm that the balanced implementation of the three pillars of the Non-Proliferation Treaty, in a non-discriminatory manner, remains essential for the effectiveness of the Treaty in realizing its objectives.

Recommendation 3

To reiterate that the continued existence of nuclear weapons represents a significant threat to humanity and that the full and effective implementation of all Treaty obligations, including in particular by nuclear-weapon States, plays a crucial role in promoting international peace and security.

Recommendation 4

To reaffirm that each article of the Treaty is binding on States parties without distinction, and that States parties are required to comply strictly with their obligations under the Treaty as well as with those agreed by consensus at the review conferences of the Treaty, including, in particular, the 1995 Review and Extension Conference and the 2000 Review Conference.

Nuclear disarmament

Recommendation 5

To reconfirm that negotiations on a fissile material treaty should be conducted on the basis of the Shannon mandate, as endorsed both at the 1995 Review and Extension Conference and the 2000 Review Conference.

---

[1] *1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, Part I* (NPT/CONF.1995/32 (Part I) and Corr.2), annex.

[2] *2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document*, vols. I-III (NPT/CONF.2000/28 (Parts I-IV)).

Recommendation 6

To reaffirm the importance of the application of the principles of transparency, verifiability and irreversibility by nuclear-weapon States in all measures relating to nuclear disarmament.

Recommendation 7

To voice concern about the potential for an arms race in outer space, in which the implementation of a national missile defence system could trigger an arms race and further nuclear proliferation.

Recommendation 8

To agree that the development of new types of nuclear weapon and new targeting options to serve aggressive counter-proliferation purposes and the lack of significant progress in diminishing the role of nuclear weapons in security policies undermine disarmament commitments and work counter to the letter and spirit of the Treaty.

Nuclear testing

Recommendation 9

To reaffirm that the only way to rid the world of the threat of use of nuclear weapons is their total elimination. In this regard, the Comprehensive Nuclear-Test-Ban Treaty is a practical step on the road to nuclear disarmament and, therefore, cannot substitute for the objective of complete elimination of nuclear weapons.

Recommendation 10

To support the objective of the Comprehensive Nuclear-Test-Ban Treaty, which is intended to enforce a comprehensive ban on all forms of nuclear tests without exception, and to stop the development of nuclear weapons, in the direction of total elimination of nuclear weapons.

Recommendation 11

To realize the objectives of the Comprehensive Nuclear-Test-Ban Treaty, the commitment to nuclear disarmament of all States signatories, especially the five nuclear-weapon States, is essential. The five nuclear-weapon States have a special responsibility to take the lead in making the test ban a reality.

Security assurances

Recommendation 12

To recall that at the 2000 Review Conference, States parties to the Non-Proliferation Treaty had agreed, by consensus, that legally binding security assurances by the five nuclear-weapon States to the non-nuclear-weapon States parties to the Treaty strengthen the nuclear non-proliferation regime.

Recommendation 13

To reiterate that the improvement in existing nuclear weapons and the development of new types of nuclear weapon as envisaged in the existing nuclear doctrines of some nuclear-weapon States, including a certain State's nuclear posture review, contravene the security assurances provided by the nuclear-weapon States and violate the commitments undertaken by them at the time of the conclusion of the Comprehensive Nuclear-Test-Ban Treaty.

Recommendation 14

To reaffirm that the total elimination of nuclear weapons is the only absolute guarantee that there will be no use or threat of use of nuclear weapons and that non-nuclear-weapon States should be effectively assured by nuclear-weapon States that there will be no use or threat of use of such weapons. Efforts to conclude a universal, unconditional and legally binding instrument on security assurances to non-nuclear-weapon States should be pursued as a matter of priority.

Nuclear-weapon-free zones

Recommendation 15

To welcome the efforts aimed at establishing nuclear-weapon-free zones in all regions of the world and call for cooperation and consultations in order to achieve agreements freely arrived at among the States of the regions concerned.

Recommendation 16

To welcome the ongoing consultations between the Association of Southeast Asian Nations and the nuclear-weapon States on the Protocol to the Treaty on the South-East Asia Nuclear-Weapon-Free Zone (Bangkok Treaty) and urge the nuclear-weapon States to become parties to the Protocol to that Treaty as soon as possible.

Recommendation 17

To stress the importance of the signature and ratification of the South Pacific Nuclear-Free-Zone Treaty (Rarotonga Treaty), the African Nuclear-Weapon-Free-Zone Treaty (Pelindaba Treaty), and the Treaty on a Nuclear-Weapon-Free Zone in Central Asia (Semipalatinsk Treaty), as well as Mongolia's nuclear-weapon-free status, by all States in their respective regions, as well as signature and ratification by the nuclear-weapon States that have not yet done so of the relevant protocols to those treaties.

Recommendation 18

To welcome the talks by Mongolia with its two neighbours to conclude the required legal instrument institutionalizing Mongolia's nuclear-weapon-free status.

Regional issues: Middle East

Recommendation 19

To welcome the efforts aimed at establishing a nuclear-weapon-free zone in the Middle East and **call for** cooperation and consultation in order to achieve agreement.

Recommendation 20

To express concern that Israel continues to refrain from acceding to the Non-Proliferation Treaty despite the accession of all other States in the region.

Recommendation 21

To reaffirm the resolution on the Middle East adopted at the 1995 Review and Extension Conference (as well as the Final Document of the 2000 Review Conference (part I)), which "calls upon all States in the Middle East that have not yet done so, without exception, to accede to the Treaty as soon as possible and to place their nuclear facilities under full-scope International Atomic Energy Agency safeguards".

Recommendation 22

To recall that the 1995 resolution on the Middle East was an essential element of the outcome of the 1995 Review and Extension Conference and of the basis on which the Non-Proliferation Treaty was indefinitely extended, without a vote, in 1995, and reaffirm that the resolution remains valid until its goals and objectives are achieved.

Recommendation 23

To reaffirm the 2000 Review Conference Final Document, which underscored the importance of Israel's accession to the Non-Proliferation Treaty and the placement of all its nuclear facilities under comprehensive International Atomic Energy Agency (IAEA) safeguards, in realizing the goal of universal adherence to the Non-Proliferation Treaty in the Middle East.

Safeguards and verification

Recommendation 24

To acknowledge that it is fundamental to make a distinction between legal obligations and voluntary confidence-building measures, in order to ensure that such voluntary undertakings are not turned into legal safeguard obligations.

Recommendation 25

To reaffirm that IAEA is the sole competent authority responsible for verifying and assuring compliance by States parties with their safeguards agreements undertaken in fulfilment of their Treaty obligations, with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons and other nuclear explosive devices, as well as the global focal point for nuclear technical cooperation.

Recommendation 26

To emphasize that the States parties to the Non-Proliferation Treaty should consult and cooperate in resolving their issues with regard to implementation of the Treaty-related safeguards agreements within the IAEA framework.

Recommendation 27

To confirm that the obligation under article III in verifying the peaceful nature of nuclear programmes provides credible assurances enabling States parties to engage in the transfer of nuclear equipment, material and technology for peaceful purposes in accordance with article IV. Therefore, States parties to the Treaty are called upon to refrain from imposing or maintaining any restriction or limitation on the transfer of nuclear equipment, material and technology to States parties with comprehensive safeguards agreements.

Peaceful uses of nuclear energy

Recommendation 28

To underscore that nothing in the Non-Proliferation Treaty should be interpreted to affect the inalienable right of all the parties to the Treaty to develop, research, produce and use nuclear energy for peaceful purposes; and their right to technical cooperation among themselves or international organizations, keeping in view the needs of the developing areas of the world.

Recommendation 29

To reaffirm that each country's choices and decisions in the field of peaceful uses of nuclear energy should be respected without jeopardizing its policies or international cooperation agreements or its arrangements for peaceful uses of nuclear energy and its fuel-cycle policies.

Recommendation 30

To note with concern that undue restrictions on exports to developing countries of material, equipment and technology for peaceful purposes persist.

IV. Action-oriented recommendations pertaining to the implementation of obligations under the Non-Proliferation Treaty

5. The third session of the Preparatory Committee should establish the following set of recommendations pertaining to progress in the following fields: universality, nuclear disarmament, nuclear testing, security assurances, nuclear-weapon-free zones, regional issues, particularly in the Middle East, safeguards and verification, and peaceful uses of nuclear energy.

Universality

Recommendation 31

To call on all States parties to exert all possible efforts to promote universal adherence to the Treaty and not to undertake any actions that could negatively affect prospects for the universality of the Treaty.

Nuclear disarmament

Recommendation 32

To call for full implementation by the nuclear-weapon States of their disarmament commitments under the Treaty, including those agreed by consensus at the 2000 Review Conference, to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament.

Recommendation 33

To accelerate the process of negotiation that should be undertaken, in accordance with article VI, as well as the implementation of the 13 practical steps, without further delay, in order to advance towards a nuclear-weapon-free world.

Recommendation 34

To launch the negotiation process towards a phased programme for the complete elimination of nuclear weapons within a specified time frame, including a nuclear weapons convention, without delay.

Recommendation 35

To agree on a programme of work for the Conference on Disarmament that includes the immediate commencement of negotiations on a verifiable treaty banning the production of fissile materials for nuclear weapons and other explosive devices, taking into account both nuclear disarmament and non-proliferation objectives, with a view to its conclusion within five years.

Recommendation 36

To establish, as a matter of priority, a subsidiary body on nuclear disarmament, in Main Committee I, mandated to focus on the issue of fulfilment of the obligations under article VI and further practical measures required to achieve progress in that regard.

Nuclear testing

Recommendation 37

To stress the significance of achieving the entry into force of the Comprehensive Nuclear-Test-Ban Treaty, requiring its ratification by the remaining annex 2 States, including, in particular, by two nuclear-weapon States, thus contributing to the process of nuclear disarmament and towards the enhancement of international peace and security.

Recommendation 38

To ratify the Comprehensive Nuclear-Test-Ban Treaty by nuclear States with all expediency. Positive decisions by nuclear-weapon States would have a beneficial impact towards the ratification of the Test-Ban-Treaty. Nuclear-weapon States have a special responsibility to encourage progress on the entry into force of the Test-Ban-Treaty. These actions would encourage annex 2 States, in particular those which have not acceded to the Non-Proliferation Treaty and continue to operate unsafeguarded nuclear facilities, to sign and ratify the Test-Ban-Treaty.

Security assurances

Recommendation 39

To call for the negotiation of a universal, unconditional and legally binding instrument on security assurances to non-nuclear-weapon States against the use or threat of use of nuclear weapons. Pending the realization of the goal of total elimination of nuclear weapons, legally binding security assurances within the context of the Non-Proliferation Treaty remain essential and should be materialized without further delay.

Recommendation 40

To seek the establishment of a subsidiary body on security assurances for further work to be undertaken to consider legally binding security assurances by nuclear-weapon States to the non-nuclear-weapons States parties to the Non-Proliferation Treaty to strengthen the non-proliferation regime. Legally binding security assurances within the context of the Treaty would provide an essential benefit to the States parties and to the credibility of the Treaty regime.

Nuclear-weapon-free zones

Recommendation 41

To confirm that the establishment of nuclear-weapon-free zones created by the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Tlatelolco Treaty) and the Treaties of Rarotonga, Bangkok, Pelindaba and Semipalatinsk, as well as Mongolia's nuclear-weapon-free status, represents a positive step and an important measure towards attaining the objective of global nuclear disarmament and non-proliferation.

Recommendation 42

To reiterate the crucial need for a speedy establishment of a nuclear-weapon-free zone in the Middle East without any further delay.

Middle East

Recommendation 43

To recommend the establishment of a subsidiary body to Main Committee II of the 2010 Review Conference to consider and recommend proposals on concrete practical steps to promote the earliest implementation of the resolution on the Middle East.

Recommendation 44

To recommend the establishment of a standing committee composed of members of the Bureau of the 2010 Review Conference to follow up intersessionally on the implementation of the recommendations concerning the Middle East and to report to the 2015 Review Conference and its Preparatory Committees.

Recommendation 45

To focus the activities of the Preparatory Committee substantially on the Middle East including, in particular, the establishment of nuclear-weapon-free zone in that region in accordance with the 1995 resolution on the Middle East; and to recommend that State parties to the Treaty, in particular the three Treaty depositories and sponsors of the 1995 resolution on the Middle East, should report on steps they have taken to promote the undelayed establishment of a Middle East nuclear-weapon-free zone and the realization of the goals and objectives of the 1995 resolution on the Middle East.

Safeguards and verification

Recommendation 46

To reiterate the commitment of all States parties to the Non-Proliferation Treaty to prohibit the transfer of all nuclear-related equipment, information, material and facilities and resources or devices, and the extension of know-how or any kind of assistance in the nuclear, scientific or technological fields to Israel, as long as it remains a non-party to the Treaty and has not placed all its nuclear facilities under full-scope IAEA safeguards.

Recommendation 47

To reiterate that the IAEA's work with regard to safeguards and verification needs to be conducted in accordance with the provisions of its statute and full-scope safeguards agreements.

Recommendation 48

To request all States that have not yet done so to bring into force comprehensive safeguards agreements as soon as possible with a view to consolidating and enhancing the verification system for the nuclear non-proliferation and disarmament regime, through the universalization of comprehensive safeguards.

Recommendation 49

To request all nuclear-weapon States and all States not party to the Non-Proliferation Treaty to place all their nuclear facilities under IAEA full-scope safeguards. This should be set forth in an agreement to be negotiated and concluded with IAEA in accordance with the Non-Proliferation Treaty and the IAEA statute, for the exclusive purpose of verification of the fulfilment of the obligations of nuclear-weapon States, with a view to providing baseline data for future disarmament and preventing further diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices, as well as the prohibition of the transfer of all nuclear-related equipment, information, material and facilities and resources or devices and the extension of assistance in the nuclear scientific or technological fields to States not parties to the Treaty without exception.

Peaceful uses of nuclear energy

Recommendation 50

To stress the commitment of developed countries to facilitate and assist the legitimate development of nuclear energy by the developing countries by allowing them to participate to the fullest extent in the possible transfer of nuclear equipment, materials and scientific and technological information for peaceful purposes, with a view to achieving maximum benefits and applying pertinent sustainable development in their health, industry, agriculture and other development-related activities.

Recommendation 51

To emphasize that non-proliferation must be pursued and implemented, without exception, through the strict observance of adherence to IAEA comprehensive safeguards and to the Non-Proliferation Treaty as a condition for any cooperation in the nuclear area with States not parties to the Treaty, or for any supply arrangement with such States for the transfer of source or special fissionable material, or equipment or material specially designed or prepared for the processing, use or production of special fissionable material.

Recommendation 52

To reiterate that any undue restrictions or limitations on peaceful uses of nuclear energy that are incompatible with the provisions of the Non-Proliferation Treaty, should be removed.